

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

KIMBERLY COOK

PLAINTIFF

v.

Case No. 4:15-cv-04057

GRAOCH ASSOCIATES #55
LIMITED PARTNERSHIP d/b/a
FOX CREEK APARTMENTS

DEFENDANT

ORDER

Federal courts are courts of limited jurisdiction and the “threshold requirement in every federal case is jurisdiction.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). Where a question of jurisdiction exists, the Court considers the issue even though the parties do not assert a lack of jurisdiction. *United States ex rel. Shakopee Mdewakanton Sioux Community v. Pan Am. Management Co.*, 789 F.2d 632, 635-36 (8th Cir. 1986) (citations omitted). When one of the parties to the action is a limited partnership, the citizenship of each general and limited partner must be considered in determining whether complete diversity of citizenship exists. *Carden v. Arkoma Associates*, 494 U.S. 185 (1990); *see also Buckley v. Control Data Corp.*, 923 F.2d 96, 97 (8th Cir. 1991).

Where the defendant seeks to invoke federal jurisdiction through removal, it bears the burden of proving that the jurisdictional threshold is satisfied. *In re Minn. Mut. Life Ins. Co. Sales Practices Litig.*, 346 F.3d 830, 834 (8th Cir. 2003). Defendant’s Notice of Removal indicates that the Court’s jurisdiction is based upon diversity of citizenship. (ECF No. 1); 28 U.S.C. § 1332. Defendant indicates that it is a limited partnership, but does not allege the citizenship of its general and limited partners. (ECF No. 1). Defendant’s Corporate Disclosure Statement discloses its organizing state and principal place of business, but likewise fails to disclose the citizenship of the general and

limited partners. (ECF No. 12). The Court can find nothing else in the record indicating the citizenship of the limited and general partners of Graoch Associates #55, and therefore, the record before the Court is insufficient to establish its jurisdiction.

Accordingly, Defendant is directed to file a brief addressing this Court's jurisdiction to consider this case. The brief should be filed within fourteen (14) days of the entry of this Order.

IT IS SO ORDERED, this 13th day of June, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge